

Proposed Enforcement Regulations



CALIFORNIA DEPARTMENT OF WATER RESOURCES
DIVISION OF SAFETY OF DAMS

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April 21, 2021

Agenda

- **Overview of the CA Dam Safety Program**
- **Recent Dam Safety Laws and Regulations**
- **Enforcement Actions & Framework**
- **Rule Making Process Schedule**



OVERVIEW OF THE CALIFORNIA DAM SAFETY PROGRAM



Background

**California Water Code
Division 3. Dams and Reservoirs
Part 1. Supervision of Dams and Reservoirs**

**California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 1. Dams and Reservoirs**



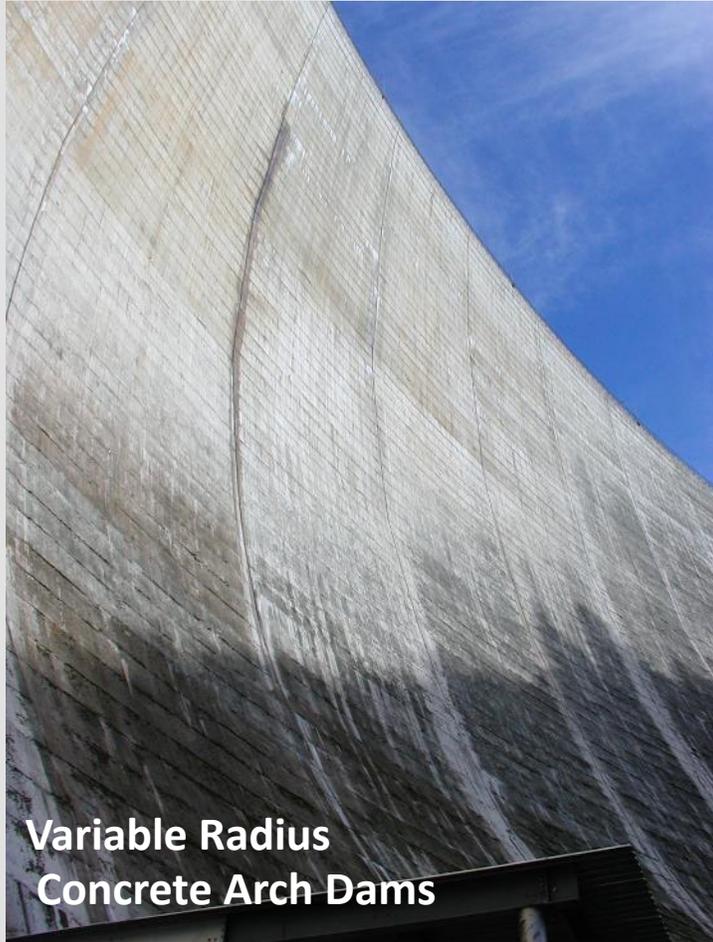
St. Francis Dam ▪
Mar. 1928 ▪ 400+ lives lost
CA Dam Safety Program
formed in 1929



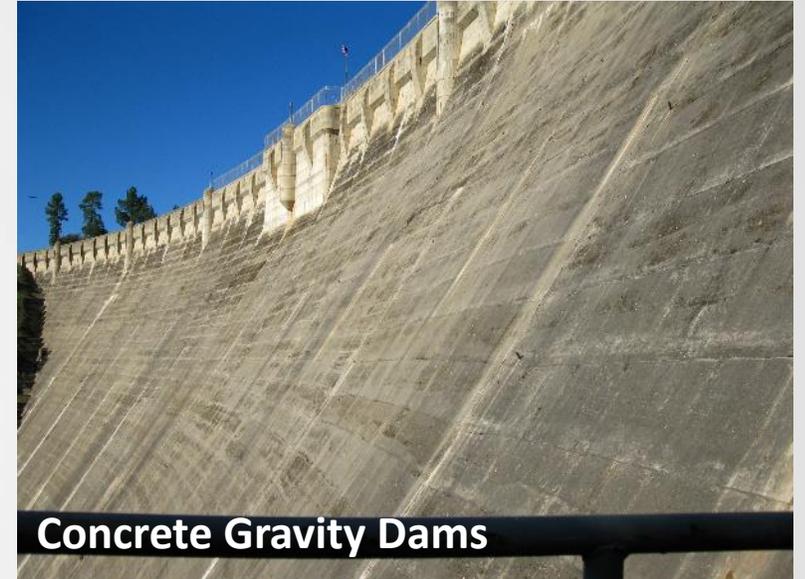
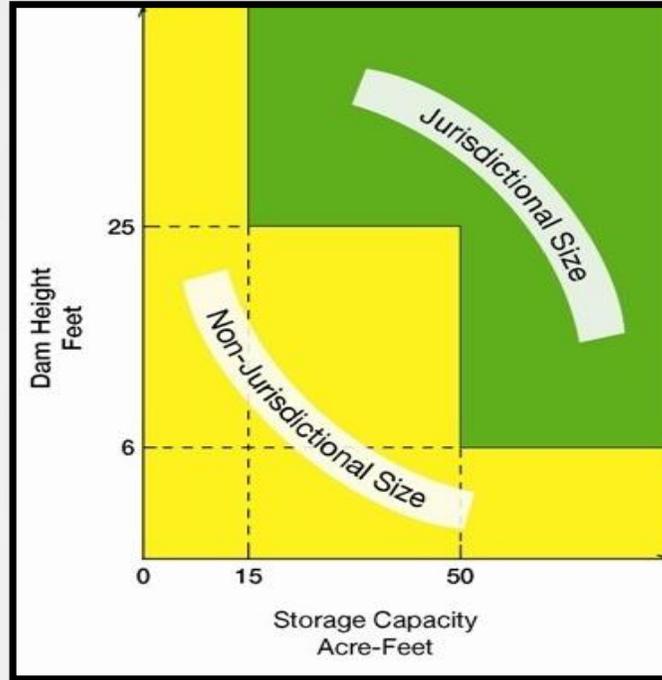
Baldwin Hills Dam ▪
Dec. 1963 ▪ 5 lives lost
CA Water Code
amended to include
off-stream dams



Regulated Dams and Reservoirs



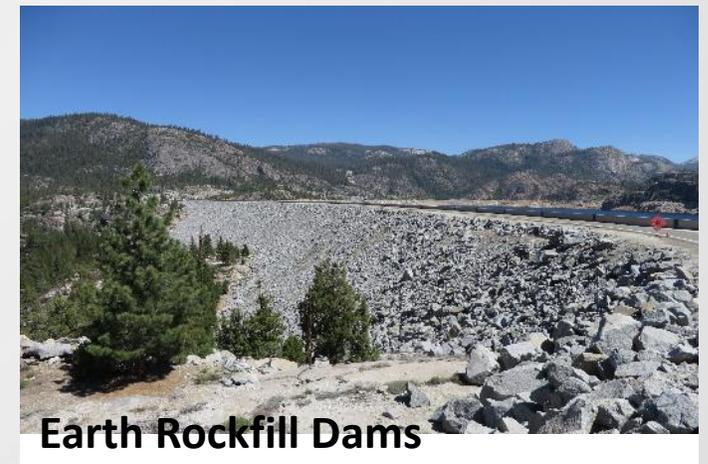
Variable Radius
Concrete Arch Dams



Concrete Gravity Dams



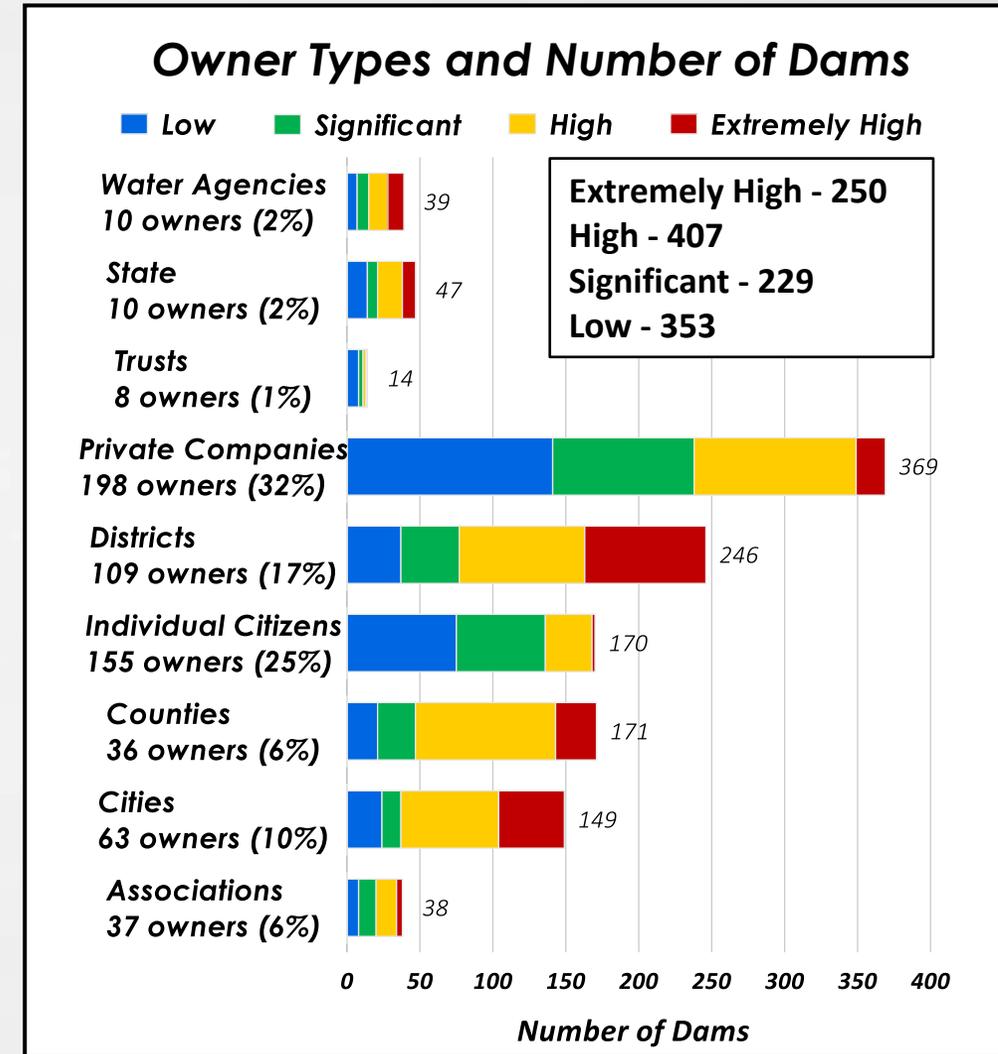
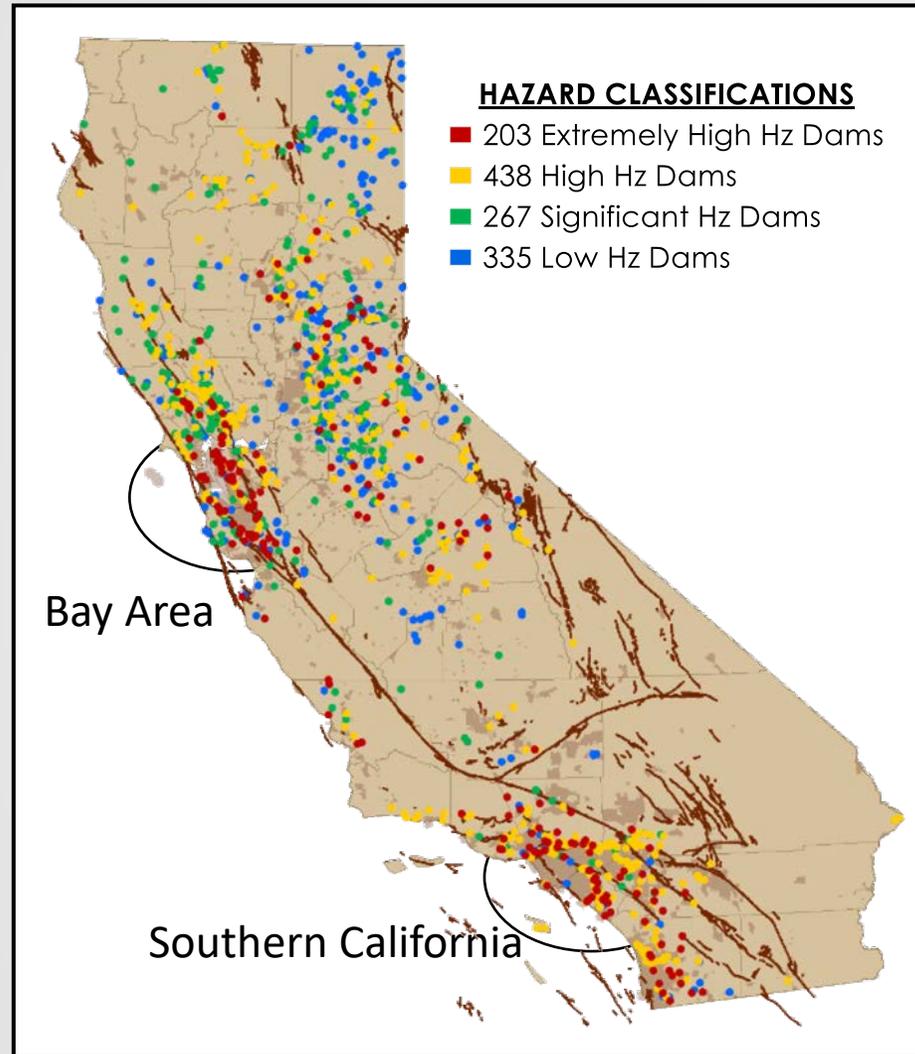
Earthfill Dams



Earth Rockfill Dams



Dam Hazard Classifications and Owners

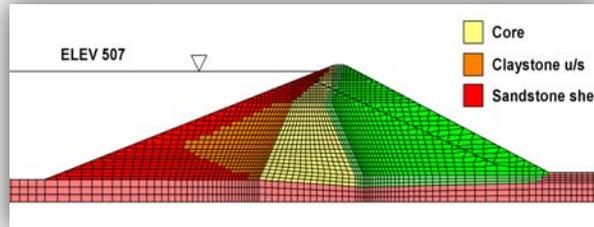


DSOD's Supervision of Dam Safety

Inspections & Surveillance Monitoring



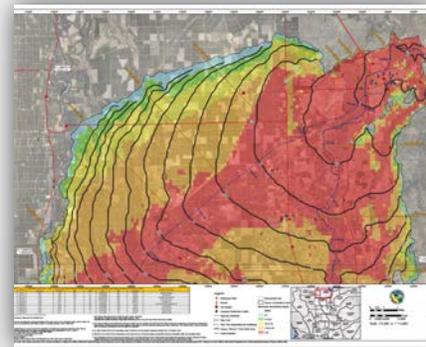
Design Reviews



Construction Oversight

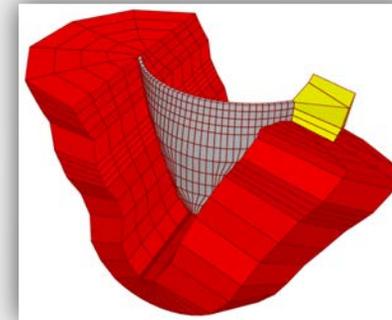


Emergency Response



Inundation Mapping

Reevaluations and Risk Studies



RECENT DAM SAFETY LAWS & REGULATIONS



Dam Safety Legislation – Senate Bill 92

June 27, 2017

Updated Hazard
Potential
Classification

Required
Inundation Maps*
& Emergency
Action Plans

Amended Annual
Fees*

Bolstered
Enforcement*

*Required the promulgation of regulations.



Status of Regulation Implementation



★
Inundation Maps
& EAPs
WC §§ 6160- 6162

October 2018*

★
Annual Fees
WC § 6307

May 2019*



New Enforcement
WC §§ 6428-6432

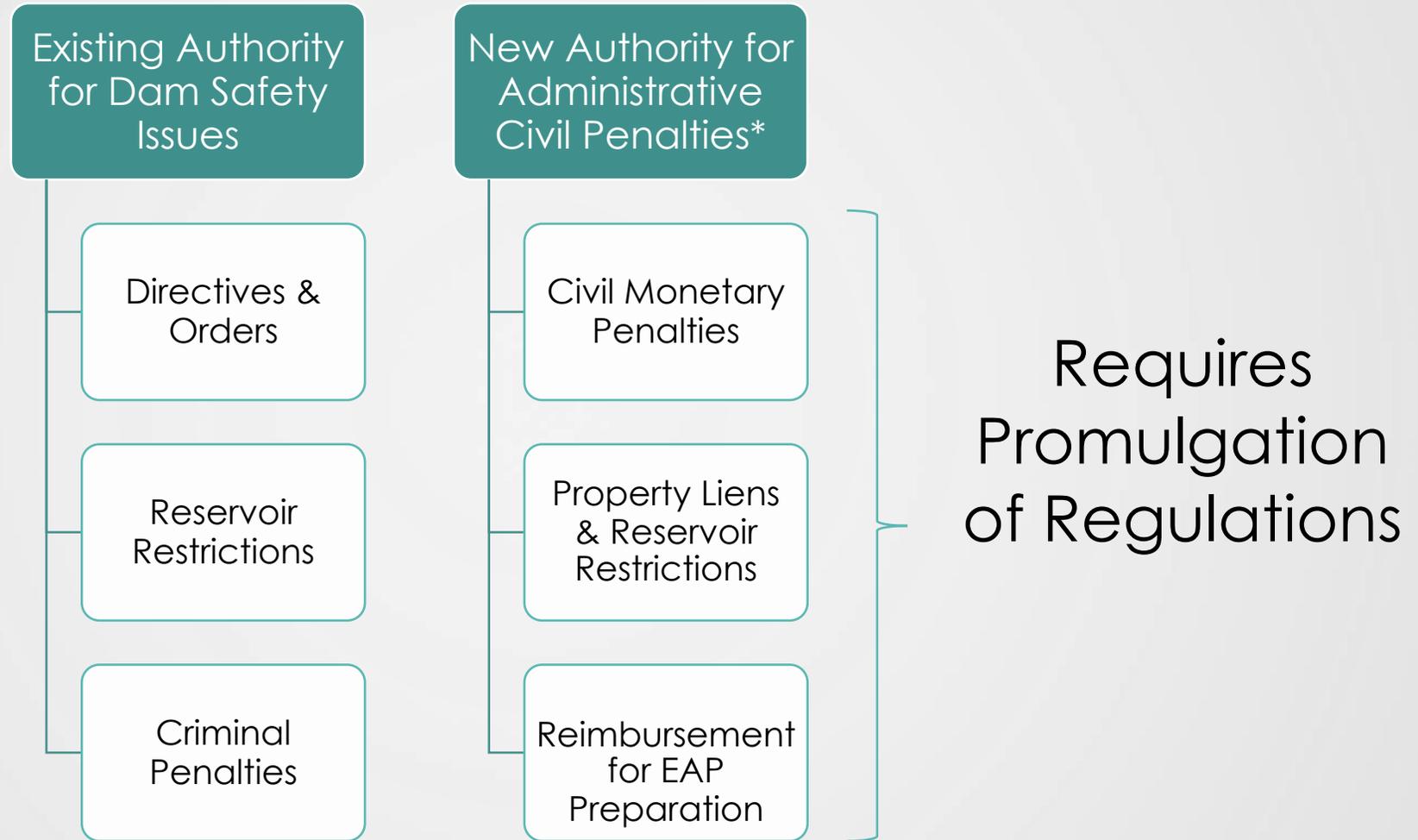
Target: January 2022



*Adoption of Permanent Regulations



SB 92 Bolstered Enforcement Authority

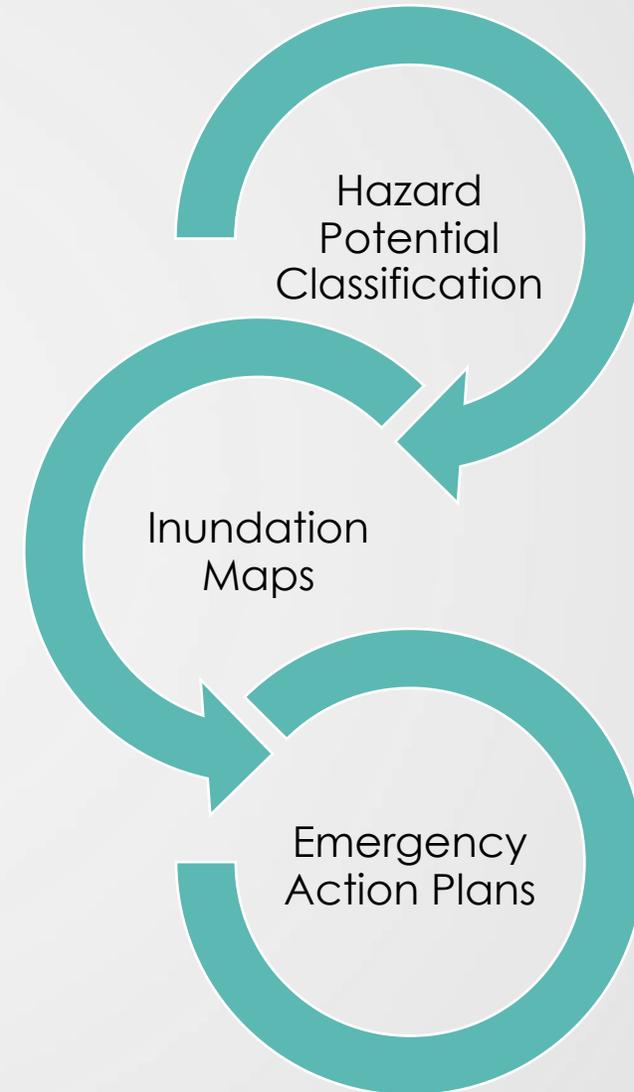


New Laws for Emergency Preparedness

Senate Bill 92

Enacted sections 6160 & 6161 of the Water Code

- Dam owners are responsible for emergency preparedness planning for their dam and critical appurtenant structures (e.g., spillways, saddle dams).
- Due dates for Emergency Action Plans (EAPs) are set by the dam's hazard classification and must be updated every 10 years or sooner.
- Inundation maps are approved by DSOD and EAPs are approved by the Governor's Office of Emergency Services (Cal OES).



EAP Due Dates by Hazard Potential

Dams¹

203

438

267

335

Hazard Classification

Extremely High

High

Significant

Low

EAP Due Dates²

January 1, 2018

January 1, 2019

January 1, 2021

Exempt



ENFORCEMENT ACTIONS & FRAMEWORK



Types of Enforcement Actions

Emergency Planning

Approval Authority

DSOD- Inundation Maps
Cal OES- EAPs

Actions of Owners

Fails to Submit
Fails to Correct
Disputes Obligation

Dam Safety Violations

Enforcement Authority

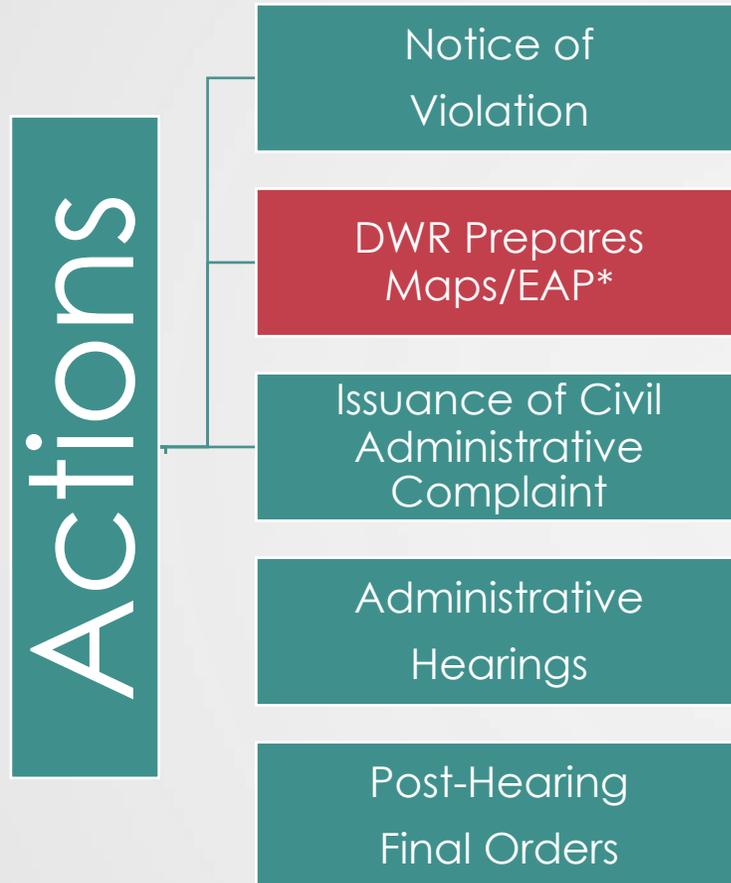
DSOD- all Dam Safety

Actions of Owners

Fails to make repairs
Fails to abate illegal status
Fails to comply with Orders
Fails to pay fees



Progressive Enforcement Framework



Types of Violations

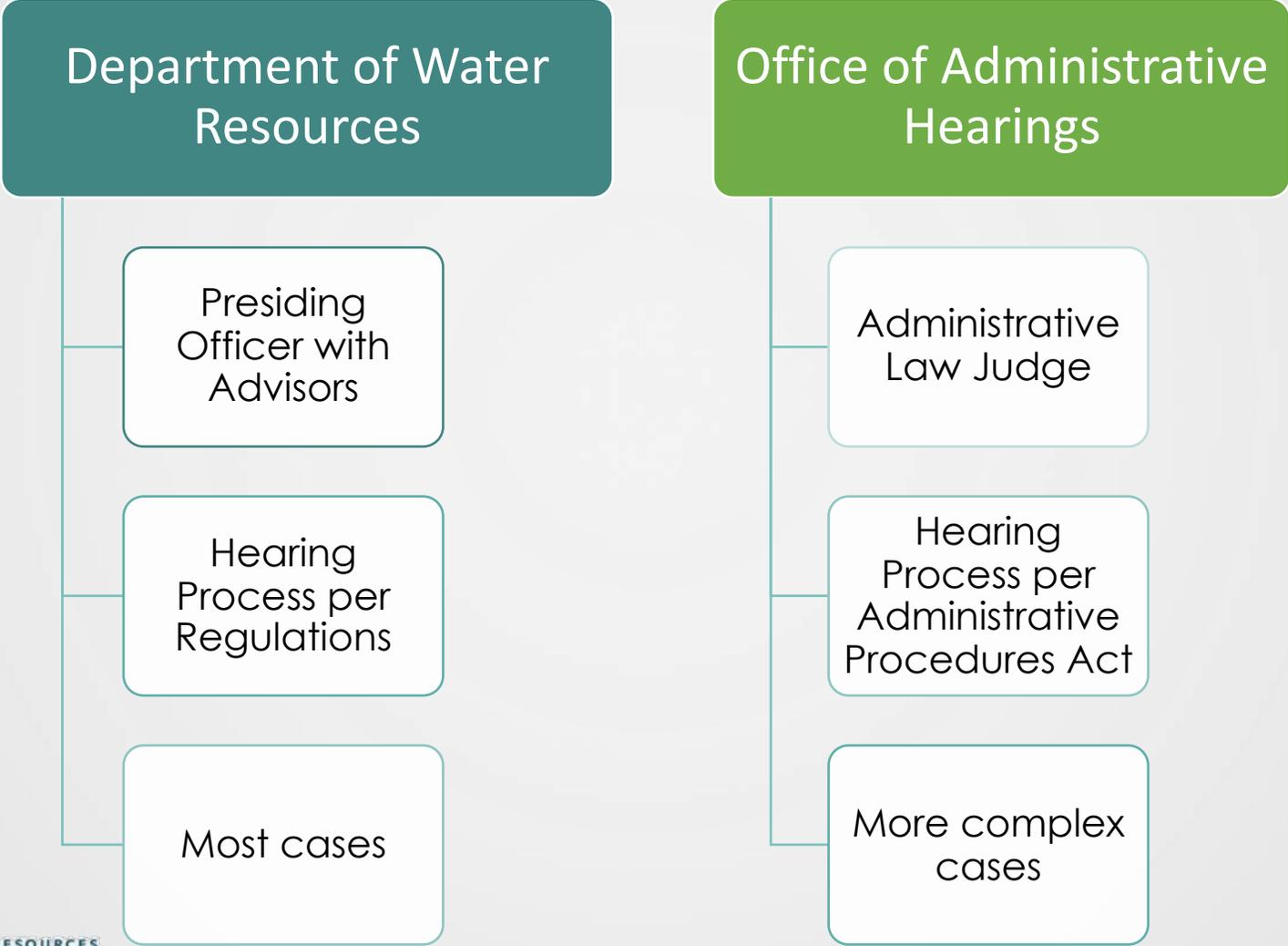
- Dam Safety Issues
- Maps/EAPs

Types of Civil Penalties Assessed (Punitive)

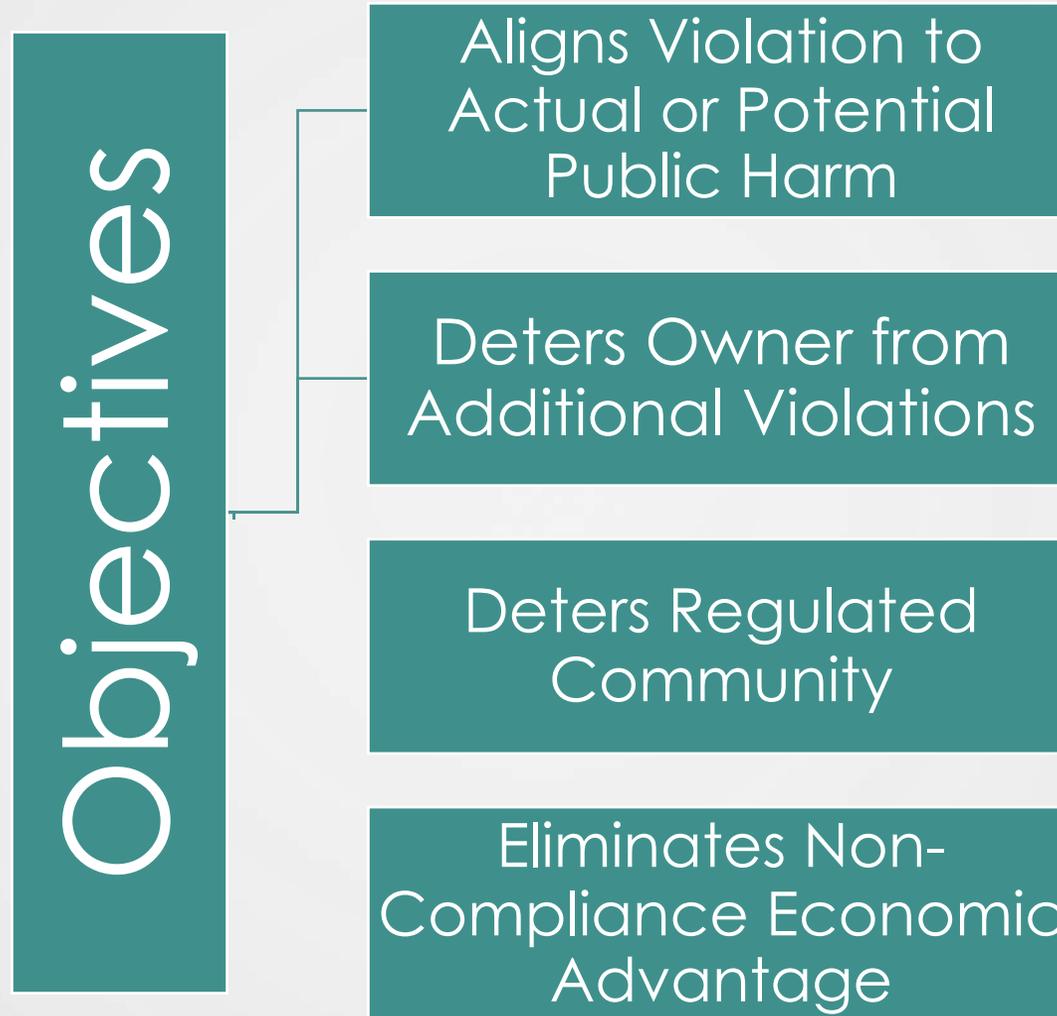
- Civil Monetary Penalties
- Reservoir Restrictions
- Property Liens



Administrative Hearing Options



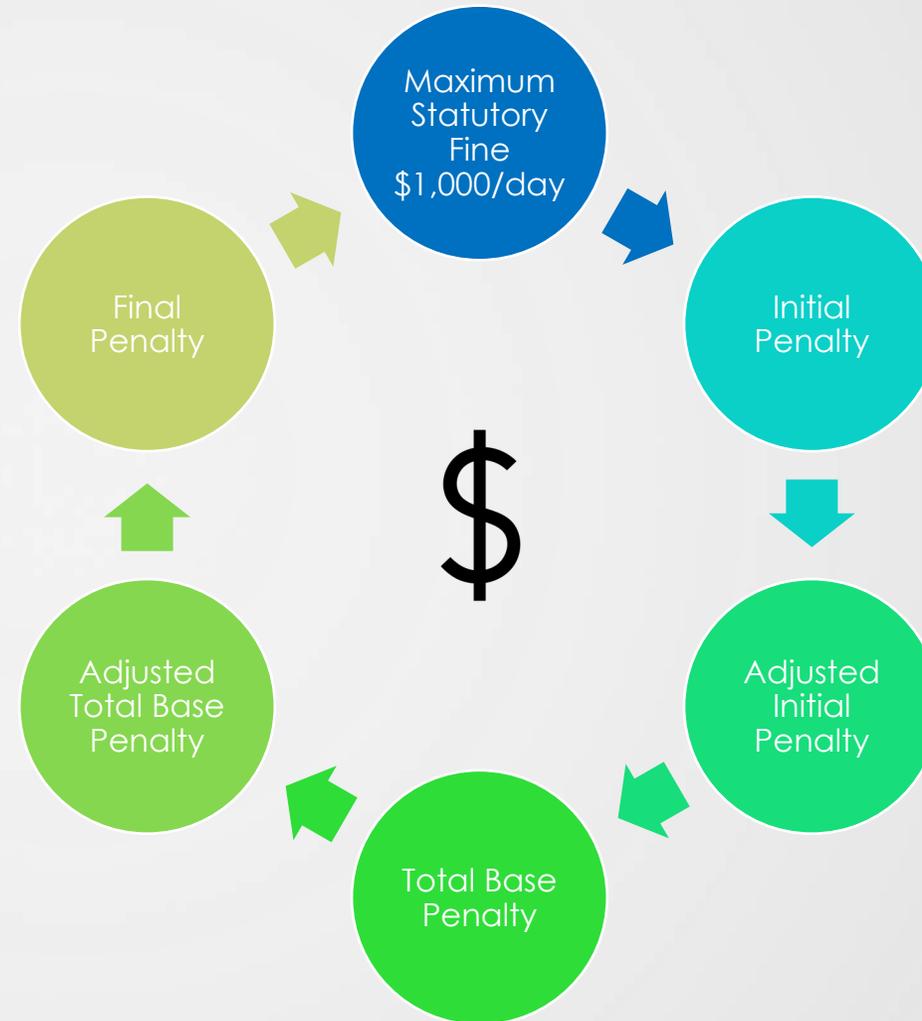
Administrative Civil Penalties



Monetary Civil Penalties: Multi-Step Process

**California Water Code
Division 3, Part 1, Chapter 8
section 6432. Civil Penalties**

In addition to any penalties imposed by any other law, the department may impose a civil penalty of up to one thousand dollars (\$1,000) per day upon any owner of a dam who fails to comply with any provision of this part.



THE RULE MAKING PROCESS SCHEDULE



Interested Parties

Who	Role
Dam Owners	Regulated community
Local Emergency Management Agencies Elected Officials with Districts in Inundation Zones Private Consultants Public	Others requesting to receive rule making notices



Next Steps

Month	Planned Actions
May	Publish Notice of Regulatory Action- 1 st Public Comment Period (45-day minimum)
June	Hold 1-day public meeting for oral comments
October	Seek CA Water Commission Approval of Regulations
January 2022	Adopt Approved Regulations



Thank You



Source: Association of State Dam Safety Officials (ASDSO)

